App. F. IX-4

Previous References

193 .
(Sta)

File No. 302-4
Serial Nos. 4

Later References.
SRA 576-40 (1-2)

PRESERVED

Pres

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for April 1941

SUBJECT.

Re Payment of gratuity Sanction
to the Cases late Kariagan, Forest Guard

Rly) The Comptr
& Ch: Conservator
No. 8(6322.38 26.3.41
WD 0578—GPB—22,500—12-9-39

Directed that Rs 65/- the
the services rendered by late Kariagan, Fr
Guard Mayilee paid to Pennamma, the Mi
bers of guardian Girl Miner Children
of the deceased.

Orange
1874.

2466

H.

General and Revenue Secretariat S&A. File No. 302 of 1940-41 [App. F. III-2

Serial No.	
1.	From Ch. Conservator of Forests'
	No. E. Pr. 41-2/39-40 dt. 19.12.40
	recommending that the gratuity sanctioned
	to the service of late Kanija, Forest
	Bhadravathi Range may in the
	circumstances be ordered to be paid to
	~~her~~ her the keep of the deceased, one
	Pennamma & her children.
	The amount sanctioned by the
	Comptroller & is Service gratuity
	way of pension due to the deceased
	The deceased died on 31.1.39 before
	gratuity was sanctioned on 24.
	While the DC is inclined to have no
	that Pennamma not being the legal
	she has to produce a heirship certificate
	Conservator of Forests' has opined that
	view of the fact that it is Com
	among the people of the deceased's cl
	for an unmarried woman to live wi
	the regular wife & man & in view
	Pennamma having lived with
	deceased for 20 or 25 years, the gra
	may be paid to her. And the Ch.
	& Forests' recommends sanction to th
	proposal.
	The gratuity amount is Rs 657/
	the keep Pennamma is stated to ha
	had 3 sons & a daughter by the dec
	The records of the case have not

NOTE—Contn. Sheet.

2466

File No. S&G 302—40 of 194. | General and Revenue Secretariat

Serial No.

not been received. If admitted they will be called for in the first instance or whether in the ~~circumstances reported~~ circumstances reported the keep Pennamma may be treated as a faithful Concubine & the payment of the gratuity ordered to be paid to her herself for the benefit of her & Children, as has been done in Camp gratuity Cases of the kind.

2nd. A report from the Com^r may be called for

9/1. By 9.1.41

~~This is not a case~~ of Compassionate gratuity in respect of which Government have latitude in ordering payment to the family of the deceased on grounds of equity. The amount in this case has to be given to the "heirs of the deceased" ~~under the law, Govt~~

Is not Compassionate Gratuity admissible in such cases in lieu of pension gratis-?

CJA 13/1

Serial No.

4. This is not a case of C.G. in which Govt. have some discretion in awarding the amount to particular dependants.

5. It is a case of Pension Gratuity, and the amount is payable to the "heirs" of the deceased. Under Art 467 M.S.R, arrears of pension may be paid "under the orders of the Dy. Comr. or other officer responsible for the payment" after enquiry into the rights of the claimants. Under Art. 468, even if the payment has not been sanctioned before the death of the officer, payment may be under orders of Govt.

6. In this case, pension (gratuity) had not been sanctioned before the death of the officer & the case seems to be governed by Art. 468. ~~The~~ The claimant in the present case is a Concubine, who is stated to have been under the protection of the deceased for 20 – 25 yrs & she has 3 sons & a daughter. The Dy Comr says that ~~the~~ "the descendants are the not legal heirs as it is stated that the wife is not the legally married wife" and that "the claimants have to produce heirship or succession certificate"

NOTE—Contn. Sheet.

4) 4892-40
1-6-40

File No. 302 246b of 1940. | General and Revenue Secretariat

Serial No.

7. No other claimants are referred to & the Chief Conservator of Forests recommends payment of the amount (Rs 65) to the claimant without insisting on an heirship certificate.

8. The Law Dept. may perhaps be consulted — the entire records of the case being obtained for reference

FD 7/1/1

D & R

The amount involved is too small to insist on heirship certificate. The Law Dept being consulted.

JH Eq 28/1

10. 4/1

Asst Secy, Law Dept 24/1

25/1/41

11. Except the P.C.D, there are no other expenses: it is suggested that all necessary expenses may then be paid by

Law 9 D of 40

27th January 1941

M. May be called for

Asst Secy Law Dept 27/1

CPA 27/1

Dept Calling for which is sent

28/1

M CPA 28/1

136

Gratuity to the heirs of late Hegade Kariya — payment to his kept mistress

340 334

General and Revenue Secretariat — File No. 302 of 1940. — [App. E. III-2

Serial No.	
2	To, Ch. Conr of Fs — No 5056 of. 25.1.40 — States that complete records relating to the proposal may be sent back for ref a.
3)	From Chief Conr of Fs — No E.188-785/40 of. 7-2-41 — Fds the file relating to the question of gratuity - as called for.

Submitted with ref to paragraph 11 supra. The communications referred to in the P.U Dare flagged

May be ref to Law Dept

By (1) Law Secy w/e for favour of advice

JLS 14/3

14/3.

SECRETARIAT 6211 DEPT.

Amongst the Sudras, a concubine continuously kept called 'Dasi' and children born to her are entitled to maintenance and a share in the property of the deceased according to the Hindu Law in Southern India and Mysore. They are the persons entitled to the gratuity amount. The recommendation of the Chief Conservator of Forests may be accepted and the amount paid to Pennamma.

FINANCIAL SECRETARY GOVT. OF MYSORE

Fin Secy) MC.

Hon 16/3/41

I agree with the Law Secy

AD

NOTE—Contn. Sheet.

3340 Payment of service gratuity to Ponnamma, mistress of late Nguard Kaniya
- 5.

File No. S&GA. 902-40 of 194. .

General and Revenue Secretariat

Serial No.

Draft G.O. Sanctioning is submd.

Done
JL/
20/3

19/3.

20/3.

4) To, Ch. Conr & Comptr.
6322-39. 20/3/41
Sanction recommendation
of the Chief Conr vide D.O.

20/4

MYSORE FOREST DEPARTMENT. H-149-40-1
S.L.A.802-40-1

No. E.Pr.41-2/39-40.
Encl.

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE,
Bangalore, dated the 19th Decr. 1940.

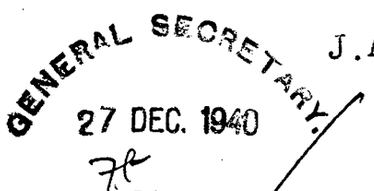
FROM

C. ABDUL JABBAR, ESQ., B.A.,
Chief Conservator of Forests in Mysore,
Bangalore.

To

2294

J.Appaji Gowda, Esq., B.A., (Hons),
Secretary to the Government
of H. H. the Maharaja of Mysore,
General Department, *Bangalore.*



SIR,

I have the honour to state that Kariya, retired Forest Guard of Bhadravati Division is reported to have died on 31-1-1939, while a gratuity of Rs.65/- in respect of his services rendered in the Department as Guard was sanctioned in his favour by the Comptroller to Government on 24-8-1939. From the Chennagiri Taluk Amildar's letter obtained in this connection by the District Forest Officer, Bhadravati Division, it is seen that the deceased retired Guard has only left behind him one Pennamma, whom he was maintaining as his mistress during his life time for twenty or twenty-five years, and her three sons and a daughter. Though this Pennamma was not his legally wedded wife, the Amildar has opined that she and her four children are the only heirs to the sanctioned gratuity amount.

The Comptroller to Government, who was addressed in this connection by the Conservator of Forests, has replied that the gratuity can be paid only to the legal heirs of the deceased Kariya and that the Deputy Commissioner (Treasury Department), Shimoga District may therefore be addressed in the matter. The Deputy Commissioner, when consulted on the point, has stated in reply that " the descendents of the deceased person are not the legal heirs as it is stated in the Mahazar that the wife of the deceased is not the legally married wife" and that " under the circumstances the claimants have to produce heirship or succession certificate to put forth their claim for the gratuity amount".

P.T.O.

The Conservator of Forest has however expressed the view that among persons of the social status of the deceased retired Guard, it is not unusual for an unmarried woman to live as the regular wife of a man and that the claims of this woman, who for twenty or twenty five years lived with him as his wife, and of her children for the gratuity, deserve favourable consideration.

I agree with the Conservator of Forests in the opinion that this Woman and her children may be paid the gratuity sanctioned in favour of the deceased retired Guard, in the absence of better claimants to it, as it may work a great hardship if they have to produce a heirship or succession certificate as opined by the Deputy Commissioner(Treasury Department), Shimoga District for payment of the gratuity, which is only Rs.65/-. I recommend that a sympathetic view of the case may be kindly taken by Government and payment of the gratuity amount to the persons above named, ordered by Government under Articles 467 and 468 of the Mysore Service Regulations.

I have the honour to be,
Sir,
Your most obedient servant,

Chief Conservator of Forests.

2466

This is a matter to be dealt with in Dy. Sl. Secty & will, if agreed, be sent there

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

Bangalore, dated 29 January 1941.

No. 71 · 5096 /S&A 302-40-2

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.
Financial Department.

To

The Chief Conservator of Forests in Mysore,
B A N G A L O R E.

Sir,

With reference to your letter No.E.Pr.41-2/39-40, dated 19th December 1940 recommending that the gratuity due in respect of service rendered by late Kariya, Forest Guard Bhadravathi Range may, in the circumstances stated, be allowed to be paid to one Pennamma, mistress of the decease I am directed to request that the complete records of the case may kindly be forwarded to this office for reference.

I have the honour to be
Sir,
Your most obedient servant,

Secretary to Government,
Financial Department.

BKP/2-

forwarded to this Office ~~for~~ for reference.

I have the

Financial Secretary

to Govt.

Appendix F G--I

SUBJECT .....

.....

.....

Section 54A.

File No. 302-40

Serial No. 2

Diary No. of letter replied to.....

No. H.5096

To

The Chief Conservator of Forests,

Sir,

General and Revenue Secretariat

( )

the 19 .

With reference to your letter No. E.Pr. 41-2/39-40, dated 19th Decr 1940 recommending that the gratuity due in respect of ~~Banchamy~~ the service rendered by late Kariya, Forest Guard Bhadravathi Range may, in the circumstances stated, be ~~ordered~~ allowed to be paid to one Perumma, mistress of the deceased, ~~and one Perumma & her children~~, I am directed to request that the complete records of the case may kindly be

Date of issue 29.1.41

Signed by Mr C.G.R

allowed

List of enclosures.....

Copied by B.R.P

Examined by.....

MYSORE FOREST DEPARTMENT. S & A. 302-40-3

No. E.188-715/40
Encl. Nil

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE,
Bangalore, dated.....7-8-.....194 1.

FINANCIAL SECRETARY 8 MAR 1941 GOVT. OF MYSORE

FROM

C. ABDUL JABBAR, ESQ., B.A.,
Chief Conservator of Forests in Mysore,
Bangalore.

To

Rajasevaprasakta
An. N. Raghavachar, Esq., M.A.,

Secretary to the Government
of H. H. the Maharaja of Mysore,
Financial Department, *Bangalore.*

3340

SIR,

As called for in your letter No.Fl.5096/3 & A 302-40-2 dated the 29th January 1941, I have the honour to forward herewith three files of records relating to the question of payment of the gratuity due in respect of the service rendered by late Kariya, Forest Guard, Bhadravati Division and to request that they may be kindly returned when no longer required by you.

I have the honor to be,
Sir,
Your most obedient servant,

Chief Conservator of Forests.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue ..... 26: 3: ..... 1941.

Signed by .....

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

Section S & A.

File No. 302-40

Serial No. 4

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Correspondence ending with letter no. E. 188-715/40 dated 7th Mar 1941 from the Chief Conservator of Forests in Mysore recommending sanction to the payment of the gratuity of Rs 657- sanctioned Order thereon ~~No.~~ by the Comptroller for the service rendered by Kanija as Forest-guard to his mistress Pennamma.

Order No. H 6322-23

The Ch. Conr of Fs reports that the deceased Forest Guard

Kariya died on 31.1.39 while a gratuity of Rs 65/- per his service was sanctioned on 24.8.39. This gratuity is payable to the legal heirs of the deceased. The Ch. Conservator recommends that although ~~he~~ Pennamma was not the legally wedded wife of the deceased, this is due to the fact that she was maintained by the deceased as his mistress during his lifetime & had 3 sons and a daughter by her, the gratuity may be paid to her other children who are the only claimants.

Govt. are pleased to accept the recommendation of the Ch. Conr. of Fs. & direct that the gratuity of Rs 65/- sanctioned by the Conservator be paid to Pennamma, the mistress of the late Dfr Guard Kariya, ~~in view of the fact that~~ & guardian to the minor children

Copied by
Examined by

Joint Secretary to Govt.

To, The Conservator of Forests
The Ch. Conr. of Fs with records.

List of Enclosures

WD 0275—GPB—22,500—14-4-38

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read :—

Correspondence ending with letter No.E.188-715/40 dated 7th March 1941 from the Chief Conservator of Forests in Mysore recommending sanction to the payment of the gratuity of Rs.65/- sanctioned by the Comptroller for the service rendered by Kariya as Forest Guard to his mistress Pennamma.

ORDER No. FI 6392-23/Sr A 302-40 M,
Dated, Bangalore, the 26 March 1941.

The Chief Conservator of Forests reports that the deceased Forest Guard Kariya died on 31st January 1939 while a gratuity of Rs.65/- for his service was sanctioned on 24th August 1939. This gratuity is payable to the legal heirs of the deceased. The Chief Conservator recommends that although Pennamma was not the legally wedded wife of the deceased, still in view of the fact that she was maintained by the deceased as his mistress during his life time and had 3 sons and a daughter by her, the gratuity may be paid to her and her children who are the only claimants.

Government are pleased to accept the recommendation of the Chief Conservator of Forests and direct that the gratuity of Rs.65/- sanctioned by the Comptroller be paid to Pennamma, the mistress and guardian to the minor children of the late Forest Guard Kariya, in view of the fact that such persons are considered as being entitled to maintenance and a share in the property according to Hindu Law in Mysore.

For FINANCIAL SECRETARY TO GOVERNMENT.

To—The Comptroller to Government.
The Chief Conservator of Forests in Mysore, with records.

TN-3)